



PLANNING COMMISSION AGENDA

Wednesday, December 8, 2004

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **December 8, 2004**. Please remember to turn off your cell phones and pagers. If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

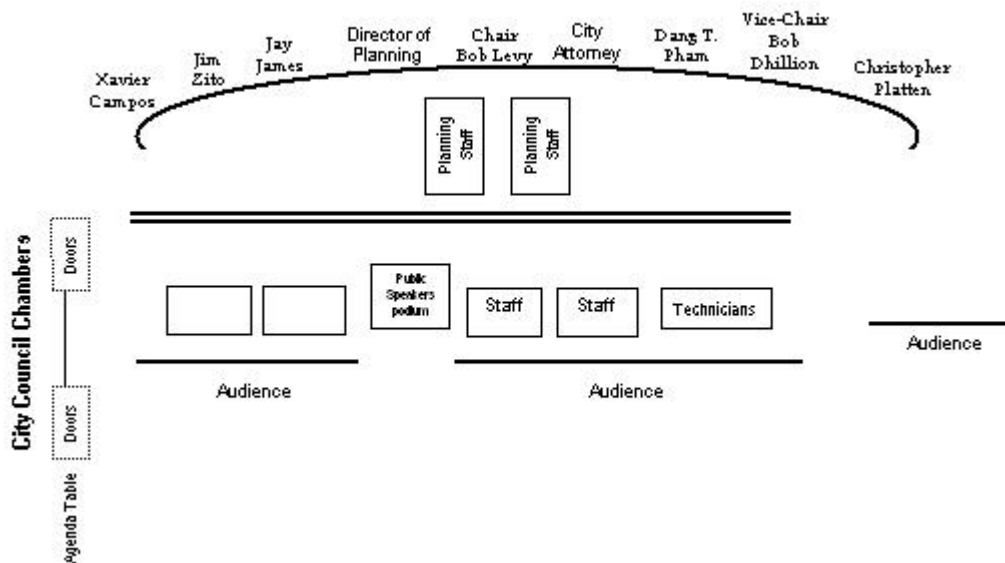
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda changes, please contact Debi Stollman at debi.stollman@sanjoseca.gov).

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> . Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP03-035.** Conditional Use Permit to allow the expansion of operations at the GreenWaste Recovery Facility from 935 tons per day to 2000 tons per day for the processing of recyclables and compostable waste on site and add a solid waste direct transfer facility on a 6.05 gross acre site in the HI Heavy Industrial Zoning District, located at/on north side of Charles Street approximately 750 feet westerly of Oakland Road (625 CHARLES ST) (Green Waste Recovery Inc, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

DEFER TO 1-26-04

- b. **CP04-044.** Conditional Use Permit to allow the off-sale of alcohol beverages at an existing convenience store (Merienneth Store) on a 0.24-acre site in the CP Pedestrian Commercial Zoning District, located on the southeast side of Capitol Expressway, 110 feet westerly of Senter Road (3161 Senter Road) (Ying Mei Enterprises L P, Owner). Council District 7. SNI: None. CEQA: Exempt. Deferred from 11/29/04.

Staff Recommendation:

DROP

- c. **CP04-036.** Conditional Use Permit to allow the installation of a 56 foot tall wireless communication antenna (flagpole/monopole) and an associated 150 square foot equipment shelter on a 3.91 gross acre site (Tower Academy) in the R-1-8 Residence Zoning District, located at west side of McLaughlin Avenue approximately 100 feet southerly of Bendmill Way (2887 McLaughlin Avenue) (Corpuz Deanna L. Trustee, Owner). Council District 7. SNI: None. CEQA: Exempt. Deferred from 11/29/04.

Staff Recommendation:

DEFER TO 1/12/05

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. The projects being considered are located on the south side of Murphy Avenue, 450 feet westerly of Ringwood Avenue, in the A Agriculture Zoning District on a 0.21-acre site. (Silicon Valley Habitat for Humanity, Inc, Owner). Council District 4. SNI: None. CEQA: Exempt.

1. **PDC04-071.** Planned Development Rezoning from A Agriculture District to A(PD) Planned Development Zoning District to allow single-family detached residential units.

Staff Recommendation:

Recommend to the City Council approval of a proposed Planned Development Rezoning from A Agriculture District to A(PD) Planned Development Zoning District to allow single-family detached residential units as recommended by Staff.

2. **PD04-061.** Planned Development Permit for the construction of 3 single-family detached residential units.

Staff Recommendation:

Approve a Planned Development Permit to allow the construction of 3 single-family detached residential units as recommended by Staff.

3. **PT04-081.** Planned Tentative Map Permit to reconfigure 1 parcel into 3 lots for single-family detached residential purposes.

Staff Recommendation:

Approve a Planned Tentative Map Permit to reconfigure 1 parcel into 3 lots for single-family detached residential purposes as recommended by Staff.

- b. The projects being considered are located on the southwest corner of Murphy Avenue and Ringwood Avenue, in the A Agriculture Zoning District on a 0.16-acre site. (Silicon Valley Habitat for Humanity, Inc, Owner). Council District 4. SNI: None. CEQA: Exempt.

1. [PDC04-072.](#) Planned Development Rezoning from A Agriculture District to A(PD) Planned Development Zoning District to allow 2 single-family detached residential units.

Staff Recommendation:

Recommend to the City Council approval of a proposed Planned Development Rezoning from A Agriculture District to A(PD) Planned Development Zoning District to allow 2 single-family detached residential units as recommended by Staff.

2. [PD04-062.](#) Planned Development Permit to allow the construction of 2 single-family detached residential units.

Staff Recommendation:

Approve a Planned Development Permit to allow the construction of 2 single-family detached residential units as recommended by Staff.

3. [PT04-080.](#) Planned Tentative Map Permit to reconfigure 1 parcel into 2 lots for single-family detached residential purposes.

Staff Recommendation:

Approve a Planned Tentative Map Permit to reconfigure 1 parcel into 2 lots for single-family detached residential purposes as recommended by Staff.

- c. [CP04-082.](#) Wireless - Conditional Use Permit to allow installation of six (6) wireless communications antennas inside two (2), 50-foot high monopoles (flagpoles) of which one (1) is existing and associated 200 square foot equipment shelter at an existing school (Price Middle School) on a 28.4 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Curtner Avenue and New Jersey Avenue (2650 NEW JERSEY AV) (Cambrian S D, Owner; Cingular Wireless Jay Thomas, Developer). Council District 9. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow installation of six (6) wireless communications antennas inside two (2), 50-foot high monopoles (flagpoles) of which one (1) is existing and associated 200 square foot equipment shelter at an existing school (Price Middle School) as recommended by Staff.

- d. [CP04-061.](#) Conditional Use Permit to allow outdoor uses (outdoor kitchen and dining) within 150 feet of residentially zoned property and minor building and site improvements in conjunction with a proposed grocery store and deli on a 0.27 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of Alum Rock Avenue and Manning Avenue (3157 ALUM ROCK AV) (Ruiz Rogelio M And Sylvia G, Rogelio Ruiz, Owner). Council District 5. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow outdoor uses (outdoor kitchen and dining) within 150 feet of residentially zoned property and minor building and site improvements in conjunction with a proposed grocery store and deli as recommended by Staff.

- e. [CP03-065](#). Conditional Use Permit to allow a 17,136- square foot addition to an existing 12,850-square foot church and the demolition of three (3) single-family detached residences on a 1.96-acre site in the R-1-8 Single-Family Residence Zoning District, located on the north side of Curtner Avenue, opposite the terminus of Joseph Avenue (2227 CURTNER AV) (Chinese Baptist Church Of San Jose Inc, Owner). Council District 9. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow a 17,136- square foot addition to an existing 12,850-square foot church and the demolition of three (3) single-family detached residences as recommended by Staff.

- f. [CP04-042](#). Conditional Use Permit to allow change in use of an existing 10,860 square foot building for religious assembly and private instruction uses on a 0.71-acre site in the IP Industrial Park Zoning District, located on the west side of Oakland Road, approximately 100 feet southerly of Club Drive (2149 OAKLAND RD) (Sunstone International Llc, Owner). Council District 4. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow change in use of an existing 10,860 square foot building for religious assembly and private instruction uses as recommended by Staff.

- g. The projects being considered are located at/on 1901 Cottle Ave., in the R-1-8 Single-Family Residence Zoning District (CENTRAL PACIFIC DIST CHRISTIAN & MISSIONARY, Owner; NEXTEL COMMUNICATIONS DAVID NEY, Developer). Council District 6. SNI: None. CEQA: Exempt.
1. [CP04-051](#). Wireless - Conditional Use Permit to allow a wireless communication antenna inside a proposed church steeple on a 1.5 gross acre site.

Staff Recommendation:

Approve a Conditional Use Permit to allow a wireless communication antenna inside a proposed church steeple as recommended by Staff.

2. **V04-006.** Development Exception to allow a church steeple to extend 11 feet above the 35-foot height limit of the R-1-8 Residence District on a 1.5 gross acre site.

Staff Recommendation:

Approve a Development Exception to allow a church steeple to extend 11 feet above the 35-foot height limit of the R-1-8 Residence District as recommended by Staff.

- h. **PDC04-065.** Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District for single-family residential uses on a 0.34 gross acre site located at/on the Northeast corner of Willow Street and Prevost Street (479 WILLOW ST) (Willow Street Property Group, Llc, Owner). Council District 6. SNI: Greater Gardner. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council approval of a proposed Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District for single-family residential uses as recommended by Staff.

- i. **CPA99-026-01.** Conditional Use Permit Amendment to allow an increase of 90 students at an existing elementary school located at a church on a 6.25 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the southwest corner of Redmond Avenue and El Paseo Drive (1200 Redmond Avenue Bldg 1) (Roman Catholic Bishop Of San Jose, Owner). Council District 10. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow an increase of 90 students at an existing elementary school located at a church as recommended by Staff.

- j. **PDC04-046.** Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to four (4) single-family detached residential units on a 0.23 gross acre site, located at the eastside of Cypress Avenue approximately 260 feet southerly of Stevens Creek Boulevard (332 South Cypress Avenue) (Mirzadegan Abdy Et Al, Owner; Mr Abdy Mirzadegan, Developer). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from CN Commercial Neighborhood Zoning District

to A(PD) Planned Development Zoning District to allow up to four (4) single-family detached residential units as recommended by Staff.

- k. The projects being considered are located at/on the southeast corner of North 15th Street and Vestal Street (840 N. 15TH ST.) (Kalbali Ali A, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt.
1. [PDC04-044.](#) Planned Development Rezoning from R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 2 existing single-family detached residences on a 0.23 gross acre site.

Staff Recommendation:

Recommend to the City Council approval of a proposed Planned Development Rezoning from R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 2 existing single-family detached residential units as recommended by Staff.

2. [PD04-031.](#) Planned Development Permit to allow 2 existing single-family detached residential units on a 0.23 gross acre site.

Staff Recommendation:

Approve a Planned Development Permit to allow 2 existing single-family detached residential units as recommended by Staff.

1. [CP04-043.](#) Conditional Use Permit request to allow wireless communications antenna and associated equipment cabinets on the roof of an existing church on a 3.55 gross acre site enclosure in the R-1-8 Single-Family Residence Zoning District, located on the east side of South White Road, approximately 300 feet southerly of East Hills Drive (WHITE ROAD BAPTIST CHURCH, OWNER; METRO PCS, INC, DEVELOPER). Council District 5. SNI None. CEQA: Exempt. Deferred from 10/27/04, 11/17/04 and 11/29/04.

Staff Recommendation:

Approve a Conditional Use Permit to to allow wireless communications antenna and associated equipment cabinets on the roof of an existing church as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. CA04-001. CONSERVATION AREA DESIGNATION request to designate as a Conservation Area the area approximately bounded by the rear of properties on Balbach Street to the north, the rear of properties on South Market to the east, Highway 280 to the south, and Almaden Avenue to the west on a 10.5 acre site. (Various Owners/City of San Jose, Applicant). CEQA: Exemption. Council District 3. SNI: Market Almaden. Deferred from 11/10/04 and 11/17/04.

Staff Recommendation:

Recommend approval to the City Council Conservation Area Designation request to designate as a Conservation Area the area approximately bounded by the rear of properties on Balbach Street to the north, the rear of properties on South Market to the east, Highway 280 to the south, and Almaden Avenue to the west as recommended by Staff.

- b. PD04-054. APPEAL of the Planning Director's decision to approve a Wireless - Planned Development Permit to install 3 pairs of wireless communications antennas to a new 50 foot high treepole, 270 square foot equipment shelter on a 0.2 gross acre site, in the A(PD) Planned Development Zoning District, located at/on the north side of D'amico Drive, opposite of Tenley Drive (S C V W D, Owner; PACIFIC BELL MOBILE SERVICES Ms DIANE SLATTERY, Developer). Council District 8. SNI: None. CEQA: Exempt.

Staff Recommendation:

Uphold the Planning Director's decision to approve a Planned Development Permit to install 3 pairs of wireless communications antennas to a new 50 foot high treepole, 270 square foot equipment shelter as recommended by Staff.

- c. TR04-082. Appeal of the Director of Planning's decision to approve a Tree Removal Permit to allow the removal of one Redwood tree 180 inches in circumference on a 0.18 gross acre site in the R-2 Residence Zoning District, located at 3315 Moorpark Avenue. Council District 1. CEQA: Exempt.

Staff Recommendation:

Uphold the Planning Director's decision to approve a Tree Removal Permit to allow the removal of one Redwood tree 180 inches in circumference as recommended by Staff.

- d. PD03-038. APPEAL of the Planning Director's decision to approve a Planned Development Permit to allow 299 multi-family attached residential units, approximately 168,184 square feet of commercial uses, an entertainment/drinking establishment (Cardinal Lounge) and 24-hour uses

(Cardinal, Rite-Aid and Albertson's) on a 20.86 gross acre site, in the A(PD) Planned Development Zoning District, located on the westerly side of Meridian Avenue between Hillsdale Avenue and Willow Creek Drive (Hacienda Gardens, LLC Mark Tersini, Owner/Developer). Council District 9. SNI: N/A. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Uphold the Planning Director's decision to approve a Planned Development Permit to allow 299 multi-family attached residential units, approximately 168,184 square feet of commercial uses, an entertainment/drinking establishment (Cardinal Lounge) and 24-hour uses (Cardinal, Rite-Aid and Albertson's) approve a Planned Development Permit to allow 299 multi-family attached residential units, approximately 168,184 square feet of commercial uses, an entertainment/drinking establishment (Cardinal Lounge) and 24-hour uses (Cardinal, Rite-Aid and Albertson's) as recommended by Staff.

5. CONTINUATION OF PLANNING COMMISSION FALL HEARING ON GENERAL PLAN AMENDMENTS FROM NOVEMBER 29, 2004

6. GENERAL PLAN CONSENT CALENDAR

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. **GP04-03-02:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) for property located on the northeasterly side of Campbell Avenue, approximately 1,000 feet northwesterly of Newhall Street (1180-1184 Cambell Avenue) on a 7.6-acre site. (MMAD Investments, Owner/Santa Clara Development Co., Applicant). Council District: 3. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council to change the Land Use/Transportation Diagram designation from Light Industrial to High Density Residential (25-50 DU/AC) for property located on the northeasterly side of Campbell Avenue, approximately 1,000 feet northwesterly of Newhall Street (1180-1184 Cambell Avenue).

8. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS ON THE 2004 FALL GENERAL PLAN AMENDMENTS

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any

formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).
 - Coyote Valley Specific Plan (Platten)
- c. [Review of synopsis](#)
- d. Study session topics for 2005
- e. Distribution of Draft Environmental Impact Report for KB Homes Monte Vista (Del Monte) Planned Development Zoning (File No PDC03-071). The project proposes to rezone the site from *Heavy Industrial* to *A(PD) Planned Development Zoning District*, to allow the demolition of existing cannery structures and development of residential uses on the portion of the site north of Auzerais Avenue. The project proposes construction of up to 390 single-family townhouses and multi-family condominiums. The townhouse section of the project will be three stories in height and the condominium section of the site will be four stories in height, constructed above ground floor level parking. The project also includes the dedication of 2.2 acres for a park (included in the total acreage for the project site) on the southern side of Auzerais Avenue. (SCH No. 2004022036). Distributed November 23, 2004. Scheduled for February 23, 2005 Planning Commission.

12. ADJOURNMENT

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
February 9	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	6:00 p.m.	Regular Meeting	Council Chambers
March 23	6:00 p.m.	Regular Meeting	Council Chambers
April 13	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
May 11	6:00 p.m.	Regular Meeting	To be determined
May 25	6:00 p.m.	Regular Meeting	Council Chambers
June 8	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	6:00 p.m.	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers
August 10	6:00 p.m.	Regular Meeting	Council Chambers
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers